

## Remarks

The above Amendments and these Remarks are in reply to the Office Action mailed July 24, 2006. Claims 10, 11, 13-19, 22, 23, 32, 40-46, 49-51, 57, 58 and 60 are pending in the Application prior to the outstanding Office Action. Claims 10-11, 13-19, 22-23, 40-44, 49-51, have been allowed. In the Office Action, the Examiner rejected claims 32, 45, 46, 57, 58 and 60. The present Response cancels claims 32, 45, 46, 57, 58 and 60, leaving for the Examiner's present consideration claims 10-11, 13-19, 22-23, 40-44, 49-51.

### I. REJECTION UNDER 35 U.S.C. §102(E) OVER *SUZUKI* (U.S. PAT. NO. 5,929,438)

#### *Claim 32, 45, 46, 57, and 58*

The Examiner rejected claims 32, 45, 46, 57, and 58 under 35 U.S.C. §102(e) as being anticipated by *Suzuki*. In the interest of furthering prosecution, the Applicant requests cancellation of claims 32, 45, 46, 57, and 58.

In the Office Action, the Examiner cites *Suzuki* as anticipating claims 32, 45, 46, 57, and 58. The Examiner writes that *Suzuki* recites “wherein the at least one fine tip portion 31 comprises a device configured to cause the formation of an anomaly on the media surface (Fig. 19; tip 30 is an AFM scanning probe).” See OA, page 3. This is an inaccurate reading of the reference. On the contrary, *Suzuki* recites “a cantilever for separately observing a temperature profile of a surface of a sample and the topography thereof.” See *Suzuki*, Abstract. Nowhere does *Suzuki* teach or suggest “a device configured to **cause the formation of an anomaly on the media surface**” as recited in claim 32. *Suzuki* merely teaches heating the media and measuring the resulting temperature profile. Merely heating the media to measure a temperature profile does not cause the formation of an anomaly. Nowhere does *Suzuki* describing a read/write device configured “to cause the formation of an anomaly.” The words “write” and “record” do not even appear anywhere in the specification. The only storage of information discussed is storage of information gleaned from reading the resulting temperature profile of the media.

For similar and additional reasons, *Suzuki* fails to anticipate claims 45, 46, 57, and 58. However, the current application has been pending for nearly 7 years. Applicant hopes to further prosecution, and therefore cancels the rejected claims for pursuit in a continuation application.

**II. REJECTION UNDER 35 U.S.C. §102(E) OVER *SUZUKI* IN VIEW OF *KOYANAGI* (U.S. PAT. 5,471,064)**

The Examiner rejected claims 60 under 35 U.S.C. §103(a) as being unpatentable over *Suzuki* in view of *Koyanagi*. In the interest of furthering prosecution, the Applicant requests cancellation of claim 60, for pursuit in a continuation application.

**III. ALLOWABLE SUBJECT MATTER**

***Claims 10-11, 13-19, 22-23, 40-44, 49-51***

Applicant appreciates the indication that claims 10-11, 13-19, 22-23, 40-44, 49-51 are allowed.

**IV. CONCLUSION**

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: 10/13/06

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